

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

Bail Appl..No. 3984 of 2007()

(CRIME NO.93 OF 2007 OF KOLATHUR POLICE STATION)

: PETITIONER/ACCUSED.

RASHEED, S/O.ALAVI HAJI, CHOLAMUKHATH
HOUSE, AMMINIKKAD AMSOM DESOM,PERINTHALMANNA.

BY ADV. SRI.M.SHAJU PURUSHOTHAMAN

RESPONDENTS: RESPONDENT/COMPLAINANT.

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING THE SI OF POLICE,KOLATHUR POLICE
STATION.

BY PUBLIC PROSECUTOR ADV.SRI.S.V.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J
= = = = =
B.A.No.3984 Of 2007
= = = = =

Dated this the 2nd day of July, 2007

ORDER

Application for anticipatory bail. Officials charged with responsibility of ensuring the enforcement of the Kerala Protection of River Banks and Regulation of Removal of Sand Act were allegedly obstructed in the discharge of their official work. The alleged incident took place on 18.4.07. A vehicle carrying sand was directed to be stopped. The vehicle was not stopped and had sped away. Attempt was made to intercept the vehicle and stop the same. The accused persons including the petitioner, allegedly followed the vehicle of the officials, obstructed the same and allegedly deterred them from discharging of their duties. Crime was registered. The petitioner is the owner of the vehicle. He is arrayed as 3rd accused in the crime. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays that the powers under Section 438 Cr.P.C may be invoked to grant anticipatory bail to the petitioner. He is innocent and he was not available at the scene of the crime. The petitioner apprehends unnecessary arrest only because of the reason that his vehicle was involved in the incident. The learned Public Prosecutor opposes the application. A strict view is

liable to be taken, considering the nature of the offences-of obstructing the officials while discharging their official duties, in accordance with law, submits the learned Public Prosecutor.

3. Having considered the relevant inputs, I find merit in the opposition made by the learned Public Prosecutor and I am satisfied that this is a fit case where the petitioner must appear before the learned Magistrate and seek regular bail in the normal and ordinary course. I have no reason to assume that the learned Magistrate would not consider the application for regular bail on merits, in accordance with law and expeditiously. Every court must do the same.

4. In the result, this petition is dismissed. I may, however, hasten to observe that, if the petitioner appears before the learned Magistrate or the Investigating Officer and applies for bail, after giving prior notice, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously-on the date of surrender itself unless there are exceptional and compelling reasons.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE